IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 16139 of 2007(U)

PETITIONER:

RONY MATHEW.A., AGED 32 YEARS,
S/O.A.T.MATHUNNY, PHYSICAL EDUCATION TEACHER
MATHA HIGH SCHOOL, MANNAMPETTA, THRISSUR
DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED
BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM.

2. THE DISTRICT EDUCATIONAL OFFICER,
THRISSUR DISTRICT.

3. THE HEADMASTER, MATHA HIGH SCHOOL,
MANNAMPETTA, THRISSUR DISTRICT.

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 16139 of 2007-U

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Dated this the 29th day of May, 2007.

J U D G M E N T

Petitioner had availed of leave without allowances from October 1, 2004 to May 31, 2005 in continuation of the half pay leave granted to him earlier, to pursue his study for B.Ed Degree. Leave was sanctioned and thereafter on completion of his studies he had rejoined duty. Petitioner takes exception to the condition/clause incorporated in the order granting him leave that he would not be entitled to get the service benefits for the period availed of by him as leave without allowances to pursue his studies.

2. Learned counsel submits that the issue is squarely covered in favour of the petitioner in view of the judgment of this Court in W.P(C) 26782/05 as well as in **Deepika** v. **State of Kerala** (2007 (1) KLT 71). The Grievance of the petitioner is that he has been denied a benefit which he is statutorily entitled to get in the light of the dictum laid down by this Court in the above two judgments. The prayer is to quash Ext.P1 to the extent it imposes the condition referred to above and also to grant all consequential reliefs. Learned counsel submits that the petitioner has submitted Ext.P4 representation before respondent No.1 highlighting all the relevant aspects. He prays for a direction to respondent No.1 to take a decision on Ext.P4 expeditiously.

3. In the above facts and circumstances the first respondent is directed to consider and pass orders on Ext.P4 representation submitted by the petitioner in the light of the two judgments referred to above. This shall be done as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment after affording sufficient opportunity to the petitioner to be heard.

Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before the first respondent for compliance.

A.K. Basheer

an. **Judge.**